

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

ROBERT ANTORIA HOLLINESS

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Case No. 4:10cr91
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 27, 2010, to determine whether Defendant violated his supervised release. Defendant was represented by Rafael De La Garza. The Government was represented by Ernest Gonzalez.

On August 4, 1998, Defendant was sentenced by the Honorable A. Joe Fish to ninety-five (95) months' custody followed by eight (8) years of supervised release for the offense of Distribution of Crack Cocaine within 1,000 Feet of a School. On November 21, 2003, Defendant completed his period of imprisonment and began service of his supervised term. On April 27, 2010, this case was transferred to the Eastern District of Texas, Sherman Division, and assigned to United States District Judge Richard A. Schell.

On May 14, 2010, the U.S. Pretrial Services Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory conditions: (1) the defendant shall not commit another federal, state, or local crime; and (2) the defendant shall not illegally possess a controlled substance.

The petition alleges that Defendant committed the following acts: On or about August 2008, and continuing through August 13, 2009, Defendant committed the offenses of Conspiracy to

Possess with Intent to Distribute Marijuana, Count One, and Conspiracy to Possess with Intent to Distribute Cocaine, Count Two, as alleged in the Indictment filed in the Eastern District of Texas, Case No. 4:09cr151, on August 13, 2010. On March 1, 2010, U.S. District Judge Marcia Crone accepted the Defendant's plea of guilty on Count Two of the Indictment.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months and one day with no supervised release to follow. It is also recommended that this sentence should be served consecutively to any sentence of imprisonment the Defendant is currently serving.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 30th day of August, 2010.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE